IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O.O.C.J.

APPEAL NO.1087 OF 1995
IN
WRIT PETITION NO.708 OF 1995

Shri J.J.Yagnik,
C-12, Purushottam Park,
4th Carter Road, Borivali (East),
Bombay-400 066. .. Appellant
(Orig.Petitioner)

v/s.

1. M/s. Amar Dye Chem Limited,
Rang Udyan, Sitaladevi
Temple Road, Post Box No.6471,
Mahim, Bombay-400 016.

2. The Presiding Officer,
IXth Labour Court,
Arun Chambers, Tardeo,
Bombay-400 034. .. Respondents
(Orig. Respondents)

Mr.Rahul Nerlekar for appellant.

Mr.P.G.Rao, Dy. Official Liquidator present.

CORAM : R.M.LODHA AND
J.P.DEVADHAR, JJ.

DATED : 5th October, 2004

ORAL JUDGMENT (Per R.M.Lodha, J.)

Heard the learned counsel for the appellant and the Official Liquidator.

2. The appeal is by the workman. He was employee of the first respondent-company viz. M/s. Amar Dye Chem Limited. His services came to be terminated by the employer w.e.f. 15.09.1992 after holding the domestic inquiry. The industrial

dispute in respect of the termination of the workman was referred to the Labour Court for adjudication. The Labour Court after remand vide its order dated 21.10.1994 held that the findings of the enquiry officer were not perverse but found the termination illegal and unwarranted. The Labour Court, however, did not order reinstatement of the workman but only awarded compensation in the sum of Rs.1,00,000/- in lieu of reinstatement. The workman filed writ petition before this court. The said writ petition came to be rejected by the learned single Judge on 26th April, 1995. Aggrieved thereby, the present appeal has been preferred by the workman.

3. It is clearly seen from the available record that since the year 1988, the financial condition of the company has been extremely bad. This is noted by the Labour Court and it is for this reason that Labour Court did not pass an order of reinstatement of the workman. The financial condition of the company seems to have gone from bad to worse. The company has been ordered to be wound up. The Official Liquidator has been appointed in that regard. The company now being in liquidation, we are satisfied that the impugned order does not call for any interference.

4. However, we observe that the Official

Liquidator shall act in accordance with section 529A of the Companies Act and pay the workman's dues as per the order of the Labour Court as early as possible.

5. Appeal is dismissed. No costs.

(R.M.LODHA, J.)

(J.P. DEVADHAR, J.)